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September 22, 2020

VIA ECF

Hon. Judge Ann M. Donnelly, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East, Rm. 4G
Brooklyn, New York 11201

Re: *Pozniak v. Shwartsman*
Docket No.: 1:20-cv-02956-AMD-RML

Dear Honorable Judge Donnelly:

As the Court is aware, I represent the respondent in the above referenced matter. I write briefly in reply to petitioner's recently filed "opposition" to respondents' motion for a revised briefing schedule.

Notwithstanding that it is questionable that counsel even communicated with their client regarding respondent's instant application, a decision regarding the extension of a professional courtesy to a fellow attorney (in this case, a scheduling matter) may be made by counsel. If petitioner truly desired the prompt return of her son, she would not have waited until almost one (1) year had passed before filing her petition.

As already explained by respondent, it is the threatened imminent deportation of petitioner (currently present in Israel without legal status) to Ukraine, that prompted her to initiate the instant proceedings. In a last-ditch effort to obtain a humanitarian visa in Israel, Petitioner requires her son, an Israeli citizen, to be in Israel with her for this purpose. If Petitioner truly desired to see her son in a timely manner, she would not have refused multiple offers from respondent for an all-expenses paid trip to the United States.

Additionally, and to the extent that counsel have taken it upon themselves to "review" the dockets in which the undersigned is counsel of record and conclude that there is "nothing that would justify further delays", I respond and simply say that Mr. Pees neither wears the black robe nor is it his place to manage the undersigned's case load.

In closing, the Court may recall the following quote from Alice's Adventures in Wonderland by Lewis Carroll:

"Let the jury consider their verdict," the King said, for about the twentieth time that day. "No, no!" said the Queen. "*Sentence first — verdict afterwards.*" (Emphasis added).

Re: *Pozniak v. Shwartsman*
Docket No.: 1:20-cv-02956-AMD-RML
September 22, 2020
Page 2 of 2

Since Petitioner herein is similarly attempting to obtain the sentence prior to the verdict by way of her recently filed motion, I ask that the Court grant the requested additional time to respond to petitioner's motion so that this matter may be resolved fully on the merits.

As always, I thank the Court for its continuing courtesy and consideration in this matter.

Respectfully submitted,

/s Marcus Aurelius Nussbaum
Marcus A. Nussbaum (MN 9581)

cc: **Via ECF**
All Counsel of Record